

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DERRICK DALE FONTROY, I. : CIVIL ACTION
THEODORE B. SAVAGE, J.D. :
AARON CHRISTOPHER WHEELER :
JAMES S. PAVLICHKO :

V.

MARK S. SCHWEIKER
JEFFREY A. BEARD
DONALD T. VAUGHN
LESLIE HATCHER
KIM ULISNY

ORDER

AND NOW, this 26th day of October, 2005, upon consideration of the plaintiffs' Motion for Evidentiary Hearing, Temporary Restraining Order and/or Preliminary Injunction (Document No. 228), and the defendants' response, it is **ORDERED** that the motion is **DENIED**.¹

 /s/
TIMOTHY J. SAVAGE, J.

¹ Plaintiffs seek to expand the scope of their original complaint beyond a challenge to the prison's policy regarding legal mail. They now attack a recently enacted amendment to the Department of Corrections mail policy that has nothing to do with the handling of legal mail.

Additionally, this case is in suspense (Document No. 227) pending the Third Circuit's disposition of the appeals in *Allah v. Governor of New Jersey*, No. 04-4426 (3d Cir. Nov. 30, 2004), *appeal from* No. 02-5298 (D.N.J.); *Taylor v. Oney*, No. 04-2062 (3d Cir. Apr. 9, 2004), *appeal from* No. 00-0557 (D. Del.); *Jones v. Brown*, No.03-3823 (3d Cir. Sept. 9, 2003), *appeal from* No. 02-3045 (D.N.J.).